



# Looking Toward

## *Could you be A*

Perhaps because they're disgruntled with the practice of law or for other, more noble reasons, lawyers occasionally ask me about the possibility of running for the State Senate or House. My responses are never very organized or complete, so I appreciate the chance to attempt a more reasoned analysis.

### DOES LANSING NEED MORE LAWYER-LEGISLATORS?

There's a common misperception in the general public and, perhaps even among lawyers. Many think that Lansing is simply overrun, especially in the legislature, with lawyers. It's not.

The misperception probably results from a confusion between Lansing and Washington. In recent congressional terms, lawyer-legislators have occupied more than 40 percent of the seats in the U.S. House and Senate. And that is a continuation of a trend going way back into American history. For example, 25 of the 56 signers of the Declaration of Independence were lawyers, as were 31 of the 55 delegates to the Philadelphia Constitutional Convention. In contrast, a 50-state survey of state legislatures published in early 2004 found that only 17 percent of state legislators nationwide were lawyers. The number here in Michigan was even lower. Only 12 percent of the House and Senate members were lawyers.

Of course there may be some, even among readers of this publication, who would quibble with my use of the word "only." After all, lawyers are still over-represented in comparison with their numbers in the general population. Nonetheless, I think lawyers have something special to offer in service as legislators, and I hope we see more of them running for office.

### SOMETHING SPECIAL TO OFFER

Reflecting on my years in the Michigan House, I am convinced that lawyers are uniquely qualified, by their training and experience, to positively contribute to the quality of the legislature and, as a result, to the laws that are enacted. Let me sum up a few of their most important qualifications, in no particular order.

First, lawyers are trained in the importance of language, especially words used in statutes, and they can see problems and unintended consequences others might well overlook. I recall a lawyer-legislator colleague of mine who became somewhat infamous for reading every word of every bill and suggesting a multitude of amendments to address potential glitches resulting from sloppy drafting. While some found that tedious, I found it praiseworthy. It's much better to refine the wording as much as possible while statutes are being drafted, than create expensive problems for litigants and the courts down the road.

Second, lawyers are often adept at debate, having been trained in the rigors of logical discourse, the marshalling of facts, and the use of language to aid an argument. That may sound ominous to the lawyer-phobes. But fortunately, lawyers are usually positioned on both sides of important public policy debates. So their competing skills somewhat cancel each other out and, in the process, raise the level of the debate generally.

Third, lawyers help everyone separate policy from personality. I recently spoke at a memorial service for a lawyer-legislator friend of mine who was well-known for his adamant positions on highly controversial issues. I remembered that, while he had many policy opponents, I couldn't think of anyone who was his enemy or who thought less of him as a person for the principled positions he took. We lawyers are good at that sort of thing and it can help everyone survive the rough and tumble of politics.

Fourth, there are adages in the legislature that ring true: "The perfect is the enemy of the good." "Half a loaf is better than none." Any issue worth its salt is not going to be solved by one side having its absolute way over the other. Negotiation and compromise, two skills most lawyers learn and practice regularly, are a necessary part of the legislative process.

Finally, lawyers are needed to protect the interests of the otherwise under-represented "third branch" of government. The executive is well-represented in Lansing and so, obviously, is the

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legislative branch. Because that's not always so for the judiciary, lawyer-legislators become indispensable. Without us, who would knowledgeably serve on the chambers' judiciary committees, speak up for the interests of indigent litigants, and assure that the courts are treated and funded fairly and adequately? We have a detailed knowledge of matters judicial the general public could simply never attain; this has to be part of the mix in our tripartite form of government.

### SOME PRACTICAL CONSIDERATIONS

So, you have special qualities that Lansing could use. Still, should you run for office? Let me offer a few points to ponder.

First, to state the obvious: can you win? By that I mean do you have a reasonable possibility of winning the primary and general elections. Be realistic. I've seen too many people (lawyers and others) put their families through too many quixotic political quests. Why do you think you could win? What campaigns have you worked in to give you practical knowledge about successful strategies? Will your current work situation allow a hiatus in your practice or at least enough time off to make a campaign viable? Who will endorse you, financially support you, and volunteer their time to knock on doors, stuff envelopes, and otherwise keep the ground game going?

Second, can you lose? By that I mean what happens if you lose. Then what? Will your work situation survive or will you lose credibility and career chances as a result of a losing effort? Will you have to go into debt to finance a campaign and how will you get yourself out of it? Even the most positive looking political prospect can mysteriously go awry and you have to be ready to face defeat.

Third and probably most importantly, think of your family, especially your spouse and children who are old enough to know what's going on. Most people who take the plunge of partisan politics have skins thick enough to survive. Many people in their families don't. They suffer much more than do the candidates when half-truths, falsehoods, and other negative campaigning starts. Can

the people who love you most handle seeing your reputation unfairly besmirched?

Finally, what do term limits mean for career planning in your situation and stage of life? Things are radically different now and no one can assume that successive office openings will align in a fashion to allow a long political career. In this vein, I would advise against figuring you'll be able to attend to a part-time legal practice while succeeding as a legislator. The Lansing job is simply too time consuming and I don't know of many lawyer-legislators who have been able to keep a viable legal practice alive. But, on the more positive side, serving in the legislature results in a set of contacts statewide and an intimate knowledge of government, both of which help enormously if it becomes necessary to return to the practice of law.

### The final analysis

In the end, the only valid reason to run for office is that which has motivated countless lawyer and non-lawyer legislators in the past—because you want to advance the greater good. That may sound Pollyanna-ish, but it's true. And, when the system works, when legislators from all across Michigan and all different backgrounds and perspectives work successfully together, it is tremendously gratifying.

So, if you think you can do it, considering the wise counsel of everyone you know who might have an informed opinion, don't hesitate. Lansing could use you. ◆



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